



Docket No: TELNP0113USE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **PATENT** application of:

Applicant: Mark A. Criss et al.
Application No: 10/643,105
For: WIRELESS SOFTWARE UPGRADES WITH VERSION CONTROL
Filing Date: August 18, 2003
Examiner: Charles Nana Appiah
Art Unit: 2686

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
(37 CFR 1.321(c))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Identification of Person Making This Disclaimer

I, Mark D. Saralino, represent that I am the attorney of record for the above-identified application.

Identification of Assignee

Symbol Technologies, Inc.
One Symbol Plaza
Holtsville, New York 11742
PTO Recordal: Reel 012795/0070 (April 8, 2002)

Disclaimer

The terminal part of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of United States Patent No. 6,735,434 as presently shortened by any terminal disclaimer is hereby disclaimed, except as provided below, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to

said patent shall be the same as the legal title to United States Patent No. 6,735,434 this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of United States Patent No. 6,735,434 as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by a terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 Order No. TELNP0113USE for the fee associated with this Terminal Disclaimer.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP



Mark D. Saralino
Reg. No. 34,243

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115-2191
Telephone (216) 621-1113
Facsimile (216) 621-6165